

Todd L. Bice, Esq., Bar No. 4534
TLB@pisanellibice.com
Robert A. Ryan, Esq., Bar No. 12084
RR@pisanellibice.com
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: 702.214.2100
Facsimile: 702.214.2101
Counsel for
MGM Resorts International

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOHN SMALLMAN, on behalf of himself Case No.: 2:20-cv-00376-JAD-NJK
and all others similarly situated,

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

KEVIN V. HORNE, on behalf of himself and Case No.: 2:20-cv-402-KJD-DJA
all others similarly situated,

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

JEFFREY SCOTT CAMERON, on behalf of Case No. 2:20-cv-00429-JCM-DJA
himself and all others similarly situated,

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

STIPULATION TO CONSOLIDATE
ACTIONS AND SET
SCHEDULING DEADLINES

1 **PAUL BRODSKY, on behalf of himself and**
2 **all others similarly situated,**

Case No. 2:20-cv-00486-GMN-NJK

3 **Plaintiff**

4 **v.**

5 **MGM RESORTS INTERNATIONAL,**

6
7 **Defendant.**
8

9 **KATHARINE BREEN, ADAM METZ**
10 **ALAIN MICHAEL, CAROL OCONNELL,**
11 **MATTHEW PRUITT, CHRISTOPHER**
12 **PUSSMAN, and SABRINA WOODS, on**
13 **behalf of themselves and all others similarly**
14 **situated,**

Case No. 2:20-cv-0541

15 **Plaintiff**

16 **v.**

17 **MGM RESORTS INTERNATIONAL,**

18
19 **Defendant.**
20

21 **LARRY LAWTER, JULIE MUTSKO,**
22 **KERRI SHAPIRO, and VICTOR**
23 **WUKOOVITS, on behalf of himself and all**
24 **others similarly situated,**

Case No. 2:20-cv-529-RFB-EJY

25 **Plaintiff**

26 **v.**

27 **MGM RESORTS INTERNATIONAL,**

28
29 **Defendant.**

STIPULATION TO CONSOLIDATE ACTIONS AND SET SCHEDULING DEADLINES

Pursuant to D. Nev. L.R. 7-1, the below referenced Parties stipulate and represent as follows:

WHEREAS, there are six (6) related proposed class actions pending in the United States District court for the District of Nevada: *Smallman v. MGM Resorts International*, Case No. 2:20-cv-00376-JAD-NJK (“*Smallman*”), filed February 21, 2020 and pending before the Honorable Jennifer A. Dorsey; *Horne v. MGM Resorts International*, Case No. 2:20-cv-00402-KJD-DJA, (“*Horne*”), filed February 26, 2020 and pending before the Honorable Kent J. Dawson; *Cameron v. MGM Resorts International*, Case No. 2:20-cv-429-JCM-DJA (“*Cameron*”), filed February 28, 2020 and pending before the Honorable James C. Mahan; *Brodsky v. MGM Resorts International*, Case No. 2:20-cv-00486-GMN-NJK, (“*Brodsky*”), filed March 9, 2020 and pending before the Honorable Gloria M. Navarro; *Breen et al. v. MGM Resorts International*, Case No. 2:20-cv- 00541, (“*Breen*”), filed March 17, 2020¹, and *Lawter et al. v. MGM Resorts International*, Case No. 2:20-cv-00529-RFB-EJY (“*Lawter*”), filed March 13, 2020 and pending before the Honorable Richard F. Boulware (together, the “Related Actions”);

WHEREAS, Plaintiffs in the Related Actions (“Plaintiffs”) allege that Defendant MGM Resorts International (“MGM”) failed to, *inter alia*, protect its customers’ accounts from unauthorized access by third parties and MGM denies such allegations;

WHEREAS, Plaintiffs agree that consolidation is appropriate under Rule 42(a), Federal Rule of Civil Procedure, because the Related Actions involve common questions of law or fact, specifically, the cases name the same defendant, arise from the same events and assert overlapping claims and putative classes;

¹ Some of the plaintiffs in Breen were parties to an action filed in the Northern District of California, 3:20-cv-01483, on February 28, 2020, but a voluntary dismissal of that action was taken and the matter was re-filed in this District.

1 WHEREAS, Plaintiffs agree that MGM's lack of objection to procedural consolidation of the
 2 Related Actions in this Court is without prejudice to MGM's rights, remedies, defenses, objections,
 3 and legal arguments;

4 WHEREAS, Plaintiffs in the Related Actions agree not to argue that by entering into this
 5 stipulation or acting in conformance with its terms, MGM has waived or acted in any way inconsistent
 6 with any right, remedy or defense;

7 WHEREAS, subject to the provisions described above, MGM does not oppose procedural
 8 consolidation of the Related Actions under Fed. R. Civ. Proc. 42(a) and D. Nev. L.R. 42-1, while
 9 expressly reserving all of its rights, remedies, defenses, objections, and legal arguments;

10 WHEREAS, the Parties propose, subject to Court approval, that this action proceed on the
 11 following schedule:

- 12 • Plaintiffs shall file a consolidated Complaint no later than thirty (30) days following
- 13 entry of an order approving this stipulation;
- 14 • MGM shall not be required to respond to the respective complaints in the Related
- 15 Actions pending approval of this stipulation;
- 16 • MGM shall have forty-five (45) days from the filing of the consolidated Complaint in
- 17 which to respond thereto;
- 18 • In the event the Court declines to consolidate the Related Actions, MGM shall have
- 19 forty-five (45) days from the date of any order denying consolidation in which to
- 20 respond to the respective complaints filed in the Related Actions.

21 NOW THEREFORE, the Parties through their respective counsel and subject to the Court's
 22 approval hereby stipulate that:

- 23 1. The *Smallman*, *Horne*, *Cameron*, *Brodsky*, *Breen*, and *Lawter* actions currently
- 24 pending in this District and any other action arising out of the same or similar operative
- 25
- 26
- 27
- 28

facts now pending or hereafter filed in, removed to, or transferred to this District shall be consolidated for pre-trial purposes pursuant to Fed. R. Civ. Proc. 42(a) before the Honorable Jennifer A. Dorsey (hereafter the “Consolidated Action”).

2. All papers filed in the Consolidated Action shall be filed under Case No. 2:20-cv-00376-JAD-NJK, the number assigned to the first-filed case, and shall bear the following caption:

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

*IN RE: MGM RESORTS INTERNATIONAL
DATA BREACH LITIGATION*

Master File No. 2:20-cv-00376-
JAD-NJK

This Document Relates To:

3. The case file for the Consolidated Action will be maintained under Master file No.: 2:20-cv-00376-JAD-NJK. When a pleading is intended to apply to all actions to which this Order applies, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption described above. When a pleading is not intended to apply to all actions, the docket number for each individual action to which the paper is intended to apply and the last name of the first-named plaintiff in said action shall appear immediately after the words “This Document Relates To:” in the caption identified above, for example, “2:20-cv-376-JAD-NJK (*Cameron*).”
4. Any action subsequently filed, transferred or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action will be consolidated with the Consolidated Action for pre-trial purposes. The parties shall file a Notice of Related

Action pursuant to D. Nev. L.R. 42-1 whenever a case that should be consolidated into this action is filed in, or transferred to, this District.

5. If the Court determines that the case is related, the clerk shall:

- a. Place a copy of this Order in the separate file for such action;
- b. Serve on Plaintiffs' counsel in the new case a copy of this Order;
- c. Direct that this Order be served upon defendants in the new case; and
- d. Make appropriate entry in the Master Docket.

6. If the Court approves this stipulation, the parties shall do the following:

- a. Plaintiffs shall file a Consolidated Complaint no later than thirty (30) days following entry of an order approving this stipulation; and
- b. Defendant shall file a responsive pleading no later than forty-five (45) days following the filing of the Consolidated Complaint.

IT IS SO STIPULATED.

Dated: March 17, 2020

Counsel For MGM

/s/ Todd L. Bice
PISANELLI BICE, PLLC
Todd L. Bice
Robert A. Ryan
400 South 7th Street, Suite 30
Las Vegas, NV 89101
Phone: (702) 214-2100
TLB@pisanellibice.com
RR@pisanellibice.com

Counsel for Plaintiffs

/s/ Miles N. Clark
KNEPPER & CLARK LLC
Miles N. Clark
Matthew Knepper
5510 S. Fort Apache Rd, Suite 30
Las Vegas, NV 89148-7700
Phone: (702) 856-7430
FAX: 702.447.8048
Miles.Clark@knepperclark.com
Matthew.Knepper@knepperclark.com

MORGAN & MORGAN COMPLEX
LITIGATION GROUP
John A. Yanchunis (pro hac vice forthcoming)
Jean S. Martin (pro hac vice forthcoming)
Marcio Valladares (pro hac vice forthcoming)
201 N. Franklin Street, 7th Floor

Tampa, FL 33602
Telephone: (813) 223-5505

Facsimile: (813) 223-5402
jyanchunis@forthepeople.com
jeanmartin@forthepeople.com
mvalladares@forthepeople.com

TANASI LAW OFFICES
Richard Tanasi
8716 W. Spanish Ridge Ave. Suite 105
Las Vegas, NV 89148
Telephone: 702-906-2411
Facsimile: 866-299-4274
rtanasi@tanasilaw.com

LAW OFFICE OF PAUL C. WHALEN, P.C.
Paul C. Whalen (pro hac vice forthcoming)
768 Plandome Road
Manhasset, NY 11030
Telephone: (516) 426-6870
paul@paulwhalen.com

GLANCY PRONGAY & MURRAY LLP
Brian P. Murray (pro hac vice forthcoming)
230 Park Avenue, Suite 530
New York, NY 10169
Telephone: (212) 682-5340
Fax: (212) 884-0988
bmurray@glancylaw.com

KRIEGER LAW GROUP, LLC
David Krieger
500 N. Rainbow Blvd. Suite 300
Las Vegas, NV 89107
PH: (702) 848-3855, Ext. 101
dkrieger@kriegerlawgroup.com

Attorneys for Plaintiff John Smallman

Mark J. Bourassa (Nevada Bar No. 7999)
Jennifer A. Fornetti (Nevada Bar No. 7644)
THE BOURASSA LAW GROUP
2350 W. Charleston Blvd., #100
Las Vegas, NV 89102
Telephone: (702) 851-2180

Fax: (702) 851-2189
mbourassa@blgwins.com
jfornetti@blgwins.com

Attorneys for Plaintiffs Jeffrey Scott Cameron and Paul Brodsky

CARLSON LYNCH LLP
Gary F. Lynch (pro hac vice forthcoming)
Kevin W. Tucker (pro hac vice forthcoming)
Jamisen A. Etzel (pro hac vice forthcoming)
1133 Penn Avenue, Floor 5
Pittsburgh, PA 15222
Telephone: 412-322-9243
Facsimile: 412-231-0246
glynch@carlsonlynch.com
ktucker@carlsonlynch.com
jamisenetzel@carlsonlynch.com

Todd D. Carpenter (pro hac vice forthcoming)
1350 Columbia St. Ste. 603
San Diego, California 92101
Telephone: (619) 762-1900
Facsimile: 619) 756-6991
tcarpenter@carlsonlynch.com

Katrina Carroll (pro hac vice forthcoming)
111 W. Washington Street, Suite 1240
Chicago, Illinois 60602
Telephone: (312) 750-1265
Facsimile: (412) 231-0246
kcarroll@carlsonlynch.com

Attorneys for Plaintiff Jeffrey Scott Cameron

MUEHLBAUER LAW OFFICE, LTD.
Andrew R. Muehlbauer (Nevada Bar No. 10161)
7915 West Sahara Avenue, Suite 104
Las Vegas, NV 89117
Telephone: (702) 330-4505
andrew@mlollegal.com

LOWEY DANNENBERG, P.C.
Christian Levis (pro hac vice forthcoming)
Henry Kusjanovic (pro hac vice forthcoming)
Amanda Fiorilla (pro hac vice forthcoming)

44 South Broadway, Suite 1100
White Plains, NY 10601
Telephone: (914) 997-0500
clevis@lowey.com
hkusjanovic@lowey.com
afiorilla@lowey.com

Anthony M. Christina (pro hac vice forthcoming)
One Tower Bridge
100 Front Street, Suite 520
West Conshohocken, PA
Telephone: (215) 399-4770
achristina@lowey.com

Attorneys for Plaintiff Kevin V. Horne
STULL, STULL & BRODY
Melissa R. Emert (pro hac vice forthcoming)
6 East 45th St.-5th Fl.
New York, NY 10017
T. 954-341-5561
F. 954-341-5531

THE GRANT LAW FIRM, PLLC
Lynda J. Grant (pro hac vice forthcoming)
521 Fifth Avenue, 17th Floor
New York, NY 10175
T. 212-292-4441
F. 212-292-4442
lgrant@grantfirm.com

Attorneys for Plaintiff Paul Brodsky

WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP
Don Springmeyer (Nevada Bar No. 1021)
3556 E. Russell Road, 2nd Floor
Las Vegas, NV 89120
Telephone: (702) 341-5200
Facsimile: (702) 341-5300
dspringmeyer@wrslawyers.com

BERGER MONTAGUE, PC
Michael Dell'Angelo (pro hac vice forthcoming)
Jon Lambiras (pro hac vice forthcoming)
Jospua T. Ripley (pro hac vice forthcoming)
1818 Market Street, Suite 3600
Philadelphia, PA 19103

Telephone: (215) 875-3000

Facsimile: (215) 875-4604

mdellangelo@bm.net

jlambiras@bm.net

jripley@bm.net

BERGER MONTAGUE, PC

E. Michelle Drake (pro hac vice forthcoming)

43 SE Main Street, Suite 505

Minneapolis, MN 55414

Telephone: (612) 594-5933

Fax: (612) 584-4470

emdrape@bm.net

MCCULLEY MCCLUER PLLC

Stuart McCluer (pro hac vice forthcoming)

R. Bryant McCulley (pro hac vice forthcoming)

Frank B. Ulmer (pro hac vice forthcoming)

701 East Bay Street, Suite 411

Charleston, SC 29403

Telephone: (843) 444-5404

Fax: (843) 444-5408

smccluer@mcculleymccluer.com

bmmcculley@mcculleymccluer.com

fulmer@mcculleymccluer.com

*Attorneys for Plaintiffs Larry Lawter, Julie Mutsko,
Kerri Shapiro and Victor Wukovits*

Christopher L. Rudd (SBN 130713)

THE RUDD LAW FIRM

2650 Sepulveda Blvd., Suite 205

Sherman Oaks, CA 91403

Tel.: (310) 663-0705

Fax: (310) 359-0258

clrudd@ruddlawpc.com

Gary M. Klinger (pro hac vice
forthcoming)

KOZONIS & KLINGER, LTD.

227 W. Monroe Street, Suite 2100

Chicago, IL 60630

Tel.: (312) 283-3814

Fax: (773) 496-8617

gklinger@kozonislaw.com

Jeffrey S. Goldenberg (pro hac vice
forthcoming)

**GOLDENBERG SCHNEIDER
L.P.A.**

One West Fourth Street, 18th Floor
Cincinnati, OH 45202
Tel: (513) 345-8291
Fax: (513) 345-8294
jgoldenberg@gs-legal.com

Charles E. Schaffer*

**LEVIN, SEDRAN & BERMAN,
LLP**

510 Walnut Street, Suite 500
Philadelphia, PA 19106
Tel: (215) 592-1500
Fax: (215) 592-4663
cschaffer@lfsblaw.com

*Attorneys for Katharine Breen, Adam Metz, Alain
Michael, Carol O'Connell, Matthew Pruitt, Christopher
Pussman, and Sabrina Woods*

ORDER

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2020, I electronically filed the foregoing **STIPULATION TO CONSOLIDATE ACTIONS AND SET SCHEDULING DEADLINES** with the Clerk of Court using the electronic case management system, which will send notification of such filing to the counsel of record in the above-captioned matters.

Date: March 17, 2020

By: /s/ Shannon Dinkel
An employee of Pisanelli Bice